

## **EXHIBIT 1**



1300 I Street, NW | 11th Floor East | Washington, D.C. 20005-3314  
202-218-0000 office | 202-218-0020 fax | [www.sheppardmullin.com](http://www.sheppardmullin.com)

Writer's Direct Line: 202-741-8426  
[bshirk@sheppardmullin.com](mailto:bshirk@sheppardmullin.com)

Our File Number: 0003-000003

May 19, 2011

**VIA FIRST CLASS MAIL  
AND EMAIL**

Defense Commissary Agency General Counsel  
Attention FOIA Officer  
1300 E Avenue  
Fort Lee VA 23801-1800  
Email: [FOIA@deca.mil](mailto:FOIA@deca.mil)

Re: Freedom of Information Act Request to Defense Commissary Agency

Dear Sir/Madam:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I hereby request on behalf of E&E Enterprises Global, Inc. ("E&E") all materials the Defense Commissary Agency ("DeCA") has in its files containing, referring to, or relating to the following:

1. All communications<sup>1</sup> by and between DeCA and the Small Business Administration ("SBA") providing the SBA with advance notice that Contract HC1013-08-D-0034 was being terminated.
2. All communications by and between DeCA and the SBA on or after March 9, 2009 regarding the termination of Contract HC1013-08-D-0034.
3. All communications sent from or received by Ron Warfield regarding terminating Contract HC1013-08-D-0034.
4. All communications sent from or received by Scott Shultz regarding terminating Contract HC1013-08-D-0034.

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<sup>1</sup> The term "communications" means every manner or means of transfer or exchange of information, and every transfer or exchange of information, whether orally or by document, or whether such exchange occurred face-to-face, by telephone, telecopy, mail, email, personal delivery, or otherwise.

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5. All documents<sup>2</sup> and communications regarding establishing the Very Small Aperture Terminal ("VSAT") network architecture in connection with Contract HC1013-08-D-0034.
6. All documents generated, contributed to or maintained in connection with the development of the Project Scope of Work for Contract HC1013-08-D-0034 by Mike Boring, CIV DeCA HQ PM; Frederick James, CIV DeCA HQ PM; David J. Melton CIV DeCA PMIP; Ron Hill; Louis Scott, CIV, DeCA HQ PM; Scott M. Shultz; Terry Zacharias; Brenda Leonard; Duane Woodfin; Karen E Kinkaid, CIV DISA PLD.
7. All documents generated, contributed to or maintained in connection with the award, performance or termination of Contract HC1013-08-D-0034 by Mike Boring, CIV DeCA HQ PM; Frederick James, CIV DeCA HQ PM; David J. Melton CIV DeCA PMIP; Ron Hill; Louis Scott, CIV, DeCA HQ PM; Scott M. Shultz; Terry Zacharias; Brenda Leonard; Duane Woodfin; Karen E Kinkaid, CIV DISA PLD.
8. All communications sent from or received by Ron Warfield regarding establishing the VSAT network architecture in connection with Contract HC1013-08-D-0034.
9. All communications sent from or received by Scott Shultz regarding establishing the VSAT network architecture in connection with Contract HC1013-08-D-0034.
10. All communications by and between DeCA and DISA/DITCO regarding the termination of Contract HC1013-08-D-0034, including but not limited to communications instructing DISA/DITCO not to give SBA prior notice of the termination.
11. All documents relating to and communications by and between DeCA and DISA/DITCO regarding E&E's performance of Contract HC1013-08-D-0034.
12. All documents relating to and communications by and between DeCA and DISA/DITCO regarding VSAT Tracker meetings.
13. All documents relating to and communications by and between DeCA and DISA/DITCO regarding conference calls convened by DISA/DITCO

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<sup>2</sup> The term "documents" is used herein in its broadest sense and, without limitation, means any original writing or other data compilation regardless of origin, location or form.

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Contracting Officer Brenda Leonard Leonard, including but not limited to meetings or conference calls on the following dates: December 3, 2008, December 17, 2008, January 7, 2009, January 1, 2009, January 21, 2009, February 11, 2009, February 18, 2009, February 25, 2009 and March 4, 2009.

14. All documents and communications regarding work performed by E&E in connection with the VSAT network architecture for Contract HC1013-08-D-0034.
15. All communications sent from or received by Ron Warfield regarding work performed by E&E in connection with the VSAT network architecture for Contract HC1013-08-D-0034.
16. All communications sent from or received by Scott Shultz regarding work performed by E&E in connection with the VSAT network architecture for Contract HC1013-08-D-0034.
17. All documents and communications regarding withholding and/or stopping payment to E&E if it did not establish the VSAT network architecture in connection with Contract HC1013-08-D-0034.
18. All documents and communications regarding changes requested by DISA/DITCO to the VSAT network architecture in connection with Contract HC1013-08-D-0034.
19. All documents and communications regarding changes requested by DeCA to the VSAT network architecture in connection with Contract HC1013-08-D-0034.
20. All communications sent from or received by Ron Warfield regarding changes to the VSAT network architecture in connection with Contract HC1013-08-D-0034.
21. All communications sent from or received by Scott Shultz regarding changes to the VSAT network architecture in connection with Contract HC1013-08-D-0034.
22. All documents and communications regarding the installation and/or completion of the Network Operation Centers ("NOCs") in the United States or its territories in connection with Contract HC1013-08-D-0034.

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23. All documents and communications regarding the installation and/or completion of the NOCs in Europe in connection with Contract HC1013-08-D-0034.
24. All documents and communications regarding the installation and/or completion of the NOCs in the Pacific Rim in connection with Contract HC1013-08-D-0034.
25. All communications by and between Ron Warfield regarding the installation and/or completion of the NOCs for Contract HC1013-08-D-0034.
26. All communications by and between Scott Shultz regarding the installation and/or completion of the NOCs for Contract HC1013-08-D-0034.
27. All documents and communications regarding any directions and/or instructions that E&E commence installation of the NOCs for Contract HC1013-08-D-0034.
28. All documents and communications regarding withholding and/or stopping payment to E&E if it did not commence installation of the NOCs for Contract HC1013-08-D-0034.
29. All communications sent from or received by Ron Warfield directing and/or instructing E&E to commence installation of the NOCs for Contract HC1013-08-D-0034.
30. All communications sent from or received by Scott Shultz directing and/or instructing E&E to commence installation of the NOCs for Contract HC1013-08-D-0034.
31. All documents and communications regarding work performed by E&E in connection with the NOCs for Contract HC1013-08-D-0034.
32. All communications sent from or received by Ron Warfield regarding work performed by E&E in connection with the NOCs for Contract HC1013-08-D-0034.
33. All communications sent from or received by Scott Shultz regarding work performed by E&E in connection with the NOCs for Contract HC1013-08-D-0034.

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34. All documents and communications regarding the installation and/or testing of backhaul lines in connection with Contract HC1013-08-D-0034.
35. All communications sent from or received by Ron Warfield regarding the installation and/or testing of backhaul lines in connection with Contract HC1013-08-D-0034.
36. All communications sent from or received by Scott Shultz regarding the installation and/or testing of backhaul lines in connection with Contract HC1013-08-D-0034.
37. All communications sent from or received by Ron Warfield directing and/or instructing that E&E commence installation and/or testing of backhaul lines in connection with Contract HC1013-08-D-0034.
38. All communications sent from or received by Scott Shultz directing and/or instructing that E&E commence installation and/or testing of backhaul lines in connection with Contract HC1013-08-D-0034.
39. All documents and communications regarding work performed by E&E in connection with the backhaul lines for Contract HC1013-08-D-0034.
40. All communications sent from or received by Ron Warfield regarding work performed by E&E in connection with the backhaul lines for Contract HC1013-08-D-0034.
41. All communications sent from or received by Scott Shultz regarding work performed by E&E in connection with the backhaul lines for Contract HC1013-08-D-0034.
42. All documents and communications regarding backhaul carrier agreements connection with Contract HC1013-08-D-0034.
43. All communications sent from or received by Ron Warfield directing and/or instructing that E&E obtain backhaul carrier agreements for Contract HC1013-08-D-0034.
44. All communications sent from or received by Scott Shultz directing and/or instructing that E&E obtain backhaul carrier agreements for Contract HC1013-08-D-0034.
45. All documents and communications regarding backhaul carrier agreements obtained by E&E in connection with Contract HC1013-08-D-0034.

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46. All communications sent from or received by Ron Warfield regarding backhaul carrier agreements obtained by E&E in connection with Contract HC1013-08-D-0034.
47. All communications sent from or received by Scott Shultz regarding backhaul carrier agreements obtained by E&E in connection with Contract HC1013-08-D-0034.
48. All communications sent from or received by Ron Warfield regarding withholding and/or stopping payment to E&E in connection with Contract HC1013-08-D-0034.
49. All communications sent from or received by Scott Shultz regarding withholding and/or stopping payment to E&E in connection with Contract HC1013-08-D-0034.
50. All communications by and between the Oceana and Sugar Grove commissaries regarding VSAT.
51. All communications sent from or received by the Oceana commissary regarding VSAT.
52. All communications sent from or received by the Sugar Grove commissary regarding VSAT.
53. All communications by and between the Oceana and Sugar Grove commissaries regarding E&E.
54. All communications sent from or received by the Oceana commissary regarding E&E.
55. All communications sent from or received by the Sugar Grove commissary regarding E&E.
56. All documents generated by DeCA's Internal Control Senior Assessment Team ("DeCA's SAT") in connection with reviews of DeCA's compliance with the internal control requirements of OMB Circular A-123, Appendix A for Fiscal Years (FYs) 2008, 2009 and 2010 relating to, referencing or identifying any aspect of the planning, budgeting, design, drafting and finalization of the Project Work Statement and solicitation for DeCA's turn-key Commercial Off The Shelf (COTS) Managed and Integrated Broadband/Very Small Aperture Terminal (VSAT) network solution to augment the existing terrestrial network, and to provide data

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communications to commissaries worldwide (approximately 174 CONUS and 86 OCONUS locations) and Central Distribution Centers (CDCs) worldwide (10 OCONUS) ("VSAT network solution"). (References: (i) **Solicitation Number:** DISA/DITCO HC1013-08-R-2004; Synopsis, March 17, 2008. *available at:*

[https://www.fbo.gov/index?s=opportunity&mode=form&tab=core&id=2d999a355f7a41e568c02dd8a6e8ecd4&\\_cview=0](https://www.fbo.gov/index?s=opportunity&mode=form&tab=core&id=2d999a355f7a41e568c02dd8a6e8ecd4&_cview=0); (ii) *Defense Commissary Performance and Accountability Report*, Fiscal Year 2010 at 61.)

57. All documents generated by DeCA's SAT in connection with reviews of DeCA's compliance with the internal control requirements of OMB A-123, Appendix for FYs 2008, 2009 and 2010 relating to, referencing or identifying any aspect of the planning, budgeting and design of the VSAT network solution, including but not limited to any documents relating to or referencing DeCA's previous award to and termination of a previous contract for a similar VSAT network solution to Arrowhead Global Solutions, Inc. (References: see Request No. 56. above)
58. All documents generated in connection with DeCA's Balanced Score Card assessments for FYs 2008, 2009 and 2010 relating to, referencing or identifying any aspect of the planning, budgeting and design of the VSAT network solution, including but not limited to any documents relating to or referencing DeCA's previous award to and termination of a previous contract for a similar VSAT network to Arrowhead Global Solutions, Inc.
59. All documents generated in connection with any internal or external assessment or discussion of DeCA's effort to "achieve a strategically focused organization that aligns investments with strategic priorities" relating to, referencing, or identifying DeCA's award of Contract HC1013D-0-D-0034 to E&E Enterprises Global Solutions and subsequent termination of that contract.
60. All documents generated by DeCA's Directorates of Performance and Policy, Information Technology, Corporate Planning or Contracting relating to Solicitation HC1013-08-R-2004 issued on DeCA's behalf by DISA/DITCO identifying, discussing, suggesting or otherwise relating to the possibility or likelihood that the resulting Contract No. HC1013D-0-D-0034 would be terminated due to insufficient funding or for any other reason.



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61. All documents generated by DeCA's Directorates of Performance and Policy, Information Technology, Corporate Planning or Contracting dated on or before March 12, 2009, relating to Contract No. HC1013D-0-D-0034 and identifying, discussing, suggesting or otherwise relating to the possibility or likelihood that the contract would be terminated for convenience of the government
62. All documents generated or maintained by DeCA's Directorates of Performance and Policy, Information Technology, Corporate Planning or Contracting relating to issued on DeCA's behalf by DISA/DITCO identifying, discussing, suggesting or otherwise indicating that any representative of DeCA consulted with the managements of DeCA's 254 commissary stores as to their views regarding the value, viability or satisfactory operation of the VSAT network solution intended to be implemented if the work under Solicitation HC1013-08-R-2004 were awarded.
63. All documents DeCA's Directorates of Performance and Policy, Information Technology, Corporate Planning or Contracting indicating, discussing or addressing the possibility that Solicitation HC1013-08-R-0024 could be drafted so as to minimize the cost to DeCA in the event the agency directed DISA/DITCO to terminate any resulting contract. (Reference: *Defense Commissary Performance and Accountability Report*, Fiscal Year 2010 at 71.)

We will send you our remittance for any expense involved in responding to this request up to \$100.00. Should the cost of responding to this request exceed \$100.00, please notify me in advance of incurring such costs.

Thank you in advance for your prompt attention to this matter.

Sincerely,



W. Bruce Shirk

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

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cc: Ernest Green Jr., President/CEO  
E&E Enterprises Global, Inc.